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FM AMEMBASSY SEOUL
TO RUEHC/SECSTATE WASHDC PRIORITY 7023
INFO RUCNKOR/KOREA COLLECTIVE PRIORITY
RHMFIUU/DEPT OF HOMELAND SECURITY WASHINGTON DC PRIORITY
RUEAWJA/DEPT OF JUSTICE WASHINGTON DC PRIORITY
RHMFIUU/FBI WASHINGTON DC PRIORITY

UNCLAS SEOUL 000204

SENSITIVE
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STATE PASS TO USTR R.BAE, B.TRICK, S.YOO

E.O. 12958: N/A
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SUBJECT: AMBASSADOR'S VISIT TO SUPREME PROSECUTORS OFFICE

¶1. (SBU) SUMMARY: Visiting the Supreme Prosecutors Office (SPO) on February 4, the Ambassador praised the SPO for its cooperation in joint law enforcement projects, and for Korea's rapid development in rule of law. She encouraged the SPO to support Korea's accession to the Hague Convention on International Parental Child Abduction, the development of protocol regarding Mutual Legal Assistance Treaties, and for the continued cooperation on human trafficking. END SUMMARY.

Courtesy Call

¶2. (SBU) In a courtesy call with Prosecutor General Kim Joon-gyu, Ambassador Stephens expressed gratitude for the cooperation between the SPO and American law enforcement and urged greater cooperation going forward. She encouraged ROKG officials to work with U.S. counterparts to develop a protocol regarding Mutual Legal Assistance Treaties (MLAT). The lack of a coherent MLAT framework sometimes hampers legal cooperation between the United States and Korea. According to ICE Attache, there is a pending invitation from U.S. Department of Justice (USDOD) to Ministry of Justice (MOJ) officials to visit the U.S. for this purpose.

¶3. (SBU) Prosecutor General Kim explained how the SPO has begun to assist other Asian countries, such as Vietnam and China, in the areas of rule of law and in law enforcement efforts. Kim is the vice-chairman of the International Association of Prosecutors, representing Asia, and in this role has fostered exchanges between Korean prosecutors and other Asian countries, including the Middle East. However, Kim requested American assistance in these efforts in order to maximize Korea's potential as an exporter of rule of law expertise, particularly in the area of narcotics enforcement.

Roundtable Discussion

¶4. (SBU) In a roundtable discussion with 20 high-ranking officials of the SPO, Ambassador Stephens expressed gratitude to the SPO attendees and reiterated the importance of rule of law and cooperation between the U.S. and ROK. She praised Korea for its aggressive attitude in fighting human trafficking, which accounted for Korea's Tier 1 ranking in the annual State Department Trafficking in Persons report. She urged the SPO to continue to improve cooperation on the issue. She also urged the SPO to support Korea's accession to the Hague Convention on the Civil Aspects of International Parental Child Abduction. Prosecutor General Kim promised to raise this point with his superiors at the MOJ.

¶5. (SBU) During the discussion, the Ambassador fielded questions on the U.S. perception of Korea's efforts in

enforcing intellectual property rights, on facilitating the protocol behind extradition of fugitives, and on developing Korea's fledgling DNA database. Ambassador Stephens praised Korea's role in bolstering its copyright enforcement efforts, leading to its removal from the Special 301 Watchlist in 2009. During her answers to the questions about extradition protocol and DNA testing, she reiterated the need for information exchange and her support for training programs between the two countries.

Role of Supreme Prosecutors Office

16. (SBU) The SPO is the highest prosecutorial office in Korea and coordinates all other prosecutorial offices at the district and municipal level. It also has the power of investigatory review over all actions of the National Police.

The MOJ supervises the SPO, but the MOJ's oversight of the SPO is restricted to policy-level guidance and strategy. For example, MOJ can direct the SPO to concentrate its efforts on reducing street crime or intellectual property-related offenses. However, when conducting individual investigations, the SPO is independent. Both the Supreme Prosecutor General and the Minister of Justice are appointed by the President and must be approved by the National Assembly. The Prosecutor General serves a two-year term with no reappointment.

17. (SBU) The SPO is divided into four tiers -- the SPO itself, the High Prosecutors' Office, the District Prosecutors' Office, and various branch offices. There is no examination to enter the SPO. After graduating law school, candidates must go through an application process. After joining the SPO, prosecutors are eligible to apply for judgeships, but in practice very few make this transition (only 5-7 per year).

18. (SBU) In addition to prosecutorial responsibilities, the SPO coordinates investigation of all major criminal activities, from narcotics to organized crime, public corruption, white-collar crime, and copyright violations. The SPO is tasked with oversight of all investigatory efforts by the police, and all police investigations must be forwarded to the SPO upon conclusion for review before proceeding to indictment. The SPO then determines whether the police adequately investigated the case, with consideration to due process and relevant laws and regulations, and has the power to order a reinvestigation if necessary.

19. (SBU) There exists a strong, synergistic working relationship between the SPO and the local branches of the DEA, FBI, and DHS/ICE. The SPO cooperates heavily with these agencies on a wide range of activities from seizures of heroin and methamphetamine precursor chemicals to human trafficking to educational exchange programs that help Korean law enforcement develop investigative skills and techniques. Many SPO officials were educated in the United States and are receptive to U.S. assistance.

STEPHENS